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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,643	08/01/2001	Michael Brynn House	839-1069	2647

7590 10/20/2005

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Rd.
Arlington, VA 22201-4714

EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,643

Applicant(s)

HOUSE ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 6-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-5, drawn to a method of tracking and assigning personnel in real-time via a wireless communication network, classified in class 705, subclass 8.
 - II. Claims 6-7, drawn to a method of wireless workforce mobilization in real-time and via a wireless communications network, classified in class 705, subclass 9.
 - III. Claims 8-15, drawn to a wireless communications system for tracking and assigning personnel in real-time, classified in class 707, subclass 3.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I, II, and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as performing the task in the based on emergency event. See MPEP § 806.05(d).
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. A telephone call was made to Michael Keenan September 15, 2005 to request an oral election to the above restriction requirement, Michael Keenan elected claims 1-5 without traverse.

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5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites the limitation the step of verifying the availability. It is unclear as to how this verifying step is done (i.e., is it done by comparing some type of information).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-2, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalessi et al (US Patent No. 6,633,900).

As per claim 1, Khalessi discloses a system for multi-crew management which assigns work order "task" to field personnel using a wireless communication. In so doing, Khalessi discloses receiving a request via said wireless communication network to perform a task (i.e., receiving a work order via a mobile communication, col. 3, lines 34-49), searching a database to identify personnel to perform the task (i.e., retrieving a crew information for the assignment of a task, col. , lines), verifying the availability of identified personnel and assigning available personnel to perform the task identified in step (i.e. verifying the identity of the field personnel by comparing the log in information of the field personnel. It is noted that once the field personnel is identified, it implies that the field personnel is available to receiving an assignment. Not col. 8 line 66 through col. 9 line 19 and col. 16, lines 43-49), assigning the task to the field personnel and communicating assignment of personnel via said wireless communication network (i.e., notifying the field technician of the assignment (col. 6, lines 58-66 and col. 9, lines 20-29), updating the database to reflect the assignment (col. 9, lines 2-5).

Khalessi discloses the use of retrieving assignment information from a database (col. 6 line 58 through col. 7 line 13). However, Khalessi is silent with respect to the searching the database to identify a personnel to perform the task. However, it is old and well-known in the database art for searching a database for obtaining information about the user's skill or availability to perform a desired task. It would have been obvious to a person of ordinary skill in the art to modify the teachings of Kardos to incorporate this well known teachings into the

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disclosures of Kardos for the motivation of getting a well-qualified field personnel data for performing a desired task.

As per claim 2, Khalessi further discloses the method of claim 1 wherein said wireless communication network is a packet switching network (col. 5, lines 1-10).

As per claim 4, Khalessi further discloses the method of claim 3, wherein each field person is capable of receiving application data stored in the database system (col. 13, lines 50-57).

11. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khalessi et al (US Patent No. 6,633,900) in view of Jorgensen (U.S. Patent No. 6,862,622)

As per claims 3 and 5, Khalessi further discloses transmitting information routed through said packet switching network to an interface device (col. 5, lines 1-10). Khalessi does not expressly disclose transmitting information from said interface device to an antenna assembly for retransmission and an interface device being a wireless access point. Jorgensen discloses the use a wireless access point and an antenna for transmitting information to by subscriber (col. 39 line 1 through col. 41 line 66). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of f Khalessi to include the wireless access point of Jorgensen would have been obvious to a person of ordinary skill in the art in order to provide remote access to users of Khalessi.

Conclusion

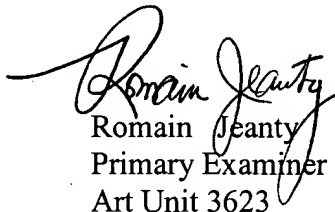
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 19, 2005


Romain Jeanty
Primary Examiner
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